

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

CHRIS HACKBART,

Defendant.

CASE NO. 8:13CR312

ORDER

This matter is before the Court on the Defendant's Motion for Reconsideration to Proceed in Forma Pauperis (Filing No. 103) in response to this Court's Order (Filing No. 91) not granting him leave to proceed in forma pauperis. The Defendant has also filed a Motion and Affidavit for Permission to Appeal In Forma Pauperis (Filing No. 100). A Notice of Appeal (Filing No. 88) has been filed.

The Court denied the Defendant's motion for a reduction in sentence under 18 U.S.C. §3582(c)(2) and Amendment 782 which became effective November 1, 2014. As previously stated, the Court granted the Defendant a two-level variance based upon the anticipated change to the drug guidelines at the time of Defendant's sentencing hearing which was held on October 20, 2014. The Defendant agreed, on the record, that he would not seek a further sentence reduction after the effective date of the guideline modification. Because the Defendant stated he would not seek a further reduction in sentence pursuant to the November 2014 guideline modification, the Court certifies that this appeal is not taken in good faith and, therefore, the motions requesting to proceed in forma pauperis will be denied. 28 U.S.C. § 1915(a)(3).

IT IS ORDERED:

1. The Defendant's Motion for Reconsideration to Proceed in Forma Pauperis (Filing No. 103) is denied;

2. The Defendant's Motion and Affidavit for Permission to Appeal In Forma Pauperis (Filing No. 100) is denied; and
3. The Clerk is directed to mail a copy of this Order to the Defendant at his last known address and to the Eighth Circuit Court of Appeals.

DATED this 1st day of July, 2015.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge